G. R. S. 58]

Previous references.

Courts 79 of 97

1898
~~191~~ .
(~~Courts~~)

File No. 122.

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Later references.

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. 1 to 2.

~~Part B~~ for November 1898

SUBJECT.

Amildar's magisterial powers

(Indexed) MMH

Commissioner

W D 1351—GPB—20,000—13-12-13

No 4726
F. 497

OFFICE OF THE DEWAN OF MYSORE,

Bangalore, 5th October 1898

Section
File No (5)
Serial No

OFFICIAL MEMORANDUM.

SUBJECT No. 37.

Amildars' magesterial powers.

THE attention of the Registrar of the Chief Court is drawn to Subject No 37 of the Dassara Representative Assembly Proceedings of 1897, and he is requested to kindly obtain the views of the judges of the Chief Court and communicate the same for the information of Govt.

By order,

[illegible]
7/11/98

for Secretary

(General Serial No. 30)

OFFICE OF THE
4526
1898
25 NOV. 98
DIWAN MYSORE.

J 661
26/11/98

From The Registrar Mysore
Chief Court of Mysore

To The Secretary to the
Govt of Mysore

Serial No.

Dated 24th

Despatched 24th

Received

General No. 3051 } 1898-99
No. 139

Enclosures No. —

Submits opinion of the Judges of the Chief Court on the subject No 37 of the Dasara Representations Assembly Proceedings of 1897 (Amld Magistrates powers)

Sub'd & Secretary
Please see R(14)
25.11.98

Ref.
15/11

Ref.

Referred put up with D 2044/98

28/

Central Jail Press, Bangalore.—5-7-98.—3,221.

No 3057
139

Bangalore, 24th November 1898

Section
File No
Serial No

From

The ~~Registrar of~~ the
Chief Court of Mysore.

To.

The Secretary to the
Government of Mysore
General and Revenue Deptts.

Sir,

With reference to your No. 4726 / J.497 dated 5th October 1898, drawing attention to subject No. 37 of the Dassara Representative Assembly Proceedings of 1897 (Amildar's Magisterial powers), I am directed to state that, in the opinion of the Judges of the Chief Court, it is very desirable to have Stationary Magistrates, if possible, in preference to the present practice

of

of investing with magisterial powers Amildars and others who have frequently to be on the move; with the result that either other duties have to be neglected in order to return to Head Quarters for the exercise of magisterial functions, or else the trials of accused persons are unduly delayed. and arrested persons detained too long in custody; or else they as well as witnesses are dragged about the country when trials are held away from Head Quarters by peripatetic officers. Under the present practice, Amildars are also placed in the difficult position of having to serve two masters— their superiors on the revenue side finding fault with them, on one hand, if inspection and other outside work is not done as

speedily

speedily as could be desired: and the Judicial Department, on the other hand, taking them to task for delay in the disposal of cases in which the accused are detained in custody for any length of time.

In this Court's letter No. 39/3 of X 2nd July 1897, it was suggested to Government that magisterial and Police functions should not be combined in the same person, because (among other reasons) inspection of the Amildars' Magistrate's Courts showed that criminal cases were "adjourned frequently to distant dates, on the ground that the Magistrate had to go out of the Head Quarters on Police duty," and also because "old cases were adjourned to distant dates for the reasons stated above."

Amildars may well combine with

with their revenue duties the functions of local heads of Police. But as both their revenue and police duties interfere with the prompt and effi-cient discharge of judicial functions by them, they should only be inves-ted with powers of a Magistrate other than that of trying cases, unless spe-cially referred to them for trial by the District Magistrate under excep-tional circumstances. There is no objection to Amildars being invested with magisterial powers of a non-judicial nature, e.g., Nos. 2, 6, 7, 9, 11 of Part I of Schedule III of the Code of Crimi-nal Procedure in the case of Magistrates of the 2d or 3d class, and the following additional powers under Part III of the same Schedule if of the 1st class, viz. Nos. 1 to 6.

I have the honor to be,

Sir,

Your most obedient servant,

Registrar.

Encl